

1 receiving, those which refer to programs on which he appeared
2 and has personal knowledge of who the hosts were. I'm receiv-
3 ing the remainder of the paragraph which relates -- which,
4 which just has general statements without any factual basis
5 are not being received.

6 MR. SCHAUBLE: Your Honor, on paragraph 13, I object
7 to paragraph 13 on the basis of competence.

8 JUDGE CHACHKIN: Sustained.

9 MR. SCHAUBLE: And that concludes my objections to
10 this exhibit, Your Honor.

11 JUDGE CHACHKIN: TBF Exhibit 14 is received.

12 (Whereupon, the exhibit marked for
13 identification as TBF Exhibit 14 was
14 received into evidence.)

15 MR. EMMONS: TBF now offers TBF Exhibit 15,
16 Your Honor, declaration of Michael Lewandowski.

17 JUDGE CHACHKIN: Any objections?

18 MR. SCHAUBLE: Yes, Your Honor. First, on page 2,
19 paragraph 5, I object to the second sentence down, the mention
20 of the prayer lines for the reasons previously stated.

21 JUDGE CHACHKIN: Overruled.

22 MR. SCHAUBLE: Next, Your Honor, paragraph 9 on
23 page 3, towards the bottom of the page, I object to the first
24 sentence on the basis that, that that -- there's no basis for
25 making the finding. The fact that he's a regular viewer, that

1 doesn't add anything to the record.

2 JUDGE CHACHKIN: Your objection is just to the first
3 sentence or anything else?

4 MR. SCHAUBLE: That's my objection to the -- just
5 the first sentence, Your Honor.

6 MR. EMMONS: Your Honor, as, as I stated before, of
7 course, our feeling is that the -- is that testimony is rele-
8 vant to the basis for the viewer's impressions of the merits
9 of the programming at the station.

10 MR. SCHAUBLE: I'm also going to object upon --
11 paragraphs 10 and 11 on that basis.

12 JUDGE CHACHKIN: All right, I'll allow in "as a
13 regular viewer." I will not receive "Channel 10," which
14 contains his opinion of the programs. Is there objection to
15 channel -- to paragraph 11?

16 MR. SCHAUBLE: Yes, Your Honor, except to, you
17 know -- I would -- yes, I do object to paragraph 11.

18 JUDGE CHACHKIN: Paragraph 11 is rejected. No, no
19 factual foundation for his opinions as set forth.

20 MR. SCHAUBLE: Oh, one other thing, Your Honor, if
21 I -- on page -- in paragraph 9 on top of page 4, he states
22 "over the years" concluding, "during the -- many of our resi-
23 dents with alcohol and drug addiction problems." I think I
24 do -- could -- I do object to that, that third sentence.
25 Well, Your Honor, that -- the, the objection goes to the

1 competence of the -- other witness's testify to that. That
2 does refer to the, the, the program, the community programming
3 in which that witness is involved. He refers to "our resi-
4 dents."

5 MR. SCHAUBLE: I think another problem, Your Honor,
6 we don't know what, what programming we're talking about here.

7 JUDGE CHACHKIN: I'll overrule the objection. TBF
8 Exhibit 15 is received.

9 (Whereupon, the exhibit marked for
10 identification as TBF Exhibit 15 was
11 received into evidence.)

12 MR. EMMONS: TBF -- the next, the next is TBF
13 Exhibit 16, the declaration of Luis Lopez.

14 JUDGE CHACHKIN: Any objections?

15 MR. SCHAUBLE: Yes, Your Honor, paragraph 2 on
16 page 1, I object to the first two sentences.

17 JUDGE CHACHKIN: The first two sentences are
18 rejected.

19 MR. SCHAUBLE: Page 2, paragraph 3.

20 MR. EMMONS: Your Honor, I think that the second of
21 those two sentences is referring to witness's personal
22 involvement of his organization with the station.

23 JUDGE CHACHKIN: I think he discusses it and the
24 extent to which it's factual, I'm receiving it. He talks
25 about his program involvement.

1 MR. EMMONS: Right. I, I had understood you to
2 exclude the second sentence of the paragraph over which --

3 JUDGE CHACHKIN: No, just the first sentence. Yes,
4 the second sentence is --

5 MR. SCHAUBLE: Your, Your Honor, the second sen-
6 tence, as it, as it reads, is not limited to the witness's
7 specific involvement; it's a general opinion by the witness.

8 JUDGE CHACHKIN: That's my difficulty. To the
9 extent that it refers to his involvement, I have no problem
10 with it, but it's not clear whether or not it refers to just
11 his involvement or his listening to the program as a viewer of
12 the station for over 10 years, and there again we don't know
13 what time frame he's talking about. The license term we're
14 not talking about as 10 years, but there again he gets spec-
15 ific. All right, any other objection?

16 MR. SCHAUBLE: Yes, Your Honor, on page 2, para-
17 graph 3, I object to on the basis of competence. This is not
18 relating -- does not appear to be tied into the witness's
19 personal involvement with the station.

20 MR. EMMONS: Well, it's based on his viewing of the
21 station, Your Honor.

22 MR. SCHAUBLE: Your Honor, all there is on that is
23 he has been "a regular viewer."

24 JUDGE CHACHKIN: Well, there it's not clear whether
25 it's based on the viewing of the station or the extent to

1 | which it's used on the part of -- to help the inmates MUPF
2 | works group.

3 | MR. EMMONS: Well, at least the last sentence in
4 | paragraph would be relevant on, on the last point you just
5 | made, Your Honor, I would think.

6 | JUDGE CHACHKIN: All right, I'll overrule the objec-
7 | tion to paragraph 3.

8 | MR. SCHAUBLE: Your Honor, I --

9 | JUDGE CHACHKIN: Again I want to make clear that
10 | his, his opinion -- not his opinion, his view that it regu-
11 | larly features of guest hosts, and informs viewers of positive
12 | and community services, and -- organizations will only stand
13 | if the exhibits at the station puts in reflect that fact, and
14 | if they do reflect that, this is surplusage. The documented
15 | evidence is much more competent to establish the station's
16 | programming than his, his viewing of it, in the statement
17 | which he makes here that it regularly features "guest hosts
18 | which inform viewers of positive and community-service
19 | oriented organizations." All right, any other objections?

20 | MR. SCHAUBLE: Yes, Your Honor, page 3, paragraph 4,
21 | which is the carry-over paragraph, I object to that -- to the
22 | last sentence, "Also, some of the people who are served by
23 | MUPF during the noted time period reported to me --" on the
24 | basis, on the, on the basis that it is hearsay being offered
25 | for the truth of the matter asserted.

1 JUDGE CHACHKIN: I'll overrule the objection.

2 MR. SCHAUBLE: Okay, paragraph 5 on the same page,
3 Your Honor, I object to the first sentence. The witness's
4 opinion is to the reputation for community service; in and of
5 itself it is not relevant.

6 JUDGE CHACHKIN: I'll receive paragraph 5 with the
7 understanding that the reputation referred here specifically
8 refers to the, the rest of the -- the material stated in the
9 rest of the paragraph.

10 MR. SCHAUBLE: For the record, Your Honor, I object
11 to paragraphs 5 and 6 with respect to the prayer line for the
12 previous reasons stated.

13 JUDGE CHACHKIN: All right, overruled.

14 MR. SCHAUBLE: Finally, Your Honor, I object to
15 paragraph 8, the last paragraph, on the basis it's conclusion-
16 ary and not relevant in the fact that a particular, particular
17 individual is helpful to an organization.

18 JUDGE CHACHKIN: Overruled. TBF Exhibit 16 is
19 received.

20 (Whereupon, the exhibit marked for
21 identification as TBF Exhibit 16 was
22 received into evidence.)

23 MR. EMMONS: TBF next offers TBF Exhibit 17, the
24 declaration of Gary G. Morton.

25 JUDGE CHACHKIN: Any objections?

1 MR. SCHAUBLE: Your Honor, I object to paragraph 6,
2 the last paragraph on page 3. Mr. Morton testifies -- only
3 described himself as an occasional viewer of WHFT on page 2,
4 and therefore an insufficient for this, for his opinion, in
5 paragraph 6 being established, and that therefore the opinion
6 is not relevant.

7 MR. EMMONS: Well, Your, Your Honor, the witness's
8 opinion or information as to the reputation of the station
9 wouldn't depend necessarily, if at all, on the extent to which
10 the witness himself were a viewer the station. Reputation is
11 what other people generally believe, others in the community.

12 JUDGE CHACHKIN: Was there anything here which
13 defines what the needs of the community are?

14 MR. EMMONS: Well, the --

15 JUDGE CHACHKIN: I'm talking about --

16 MR. EMMONS: Not in this exhibit, of course, but in
17 other exhibits being offered there is extensive evidence of
18 what the station ascertained to be the needs of the community.

19 JUDGE CHACHKIN: Oh, but how could he testify that
20 it has a reputation to meet the needs of the community if
21 there's nowhere in his exhibit does he indicate that he knows
22 what the needs of the community are?

23 MR. EMMONS: Well, I think what that's saying,
24 Your Honor, is that's the community's perception of its needs.
25 That's the essence of reputation.

1 MR. SCHAUBLE: Your Honor, I think we're, we're left
2 to guess what, what the basis -- what basis we're talking
3 about here for the witness's statement, and therefore an
4 insufficient foundation was made to make this of any value.

5 JUDGE CHACHKIN: I'm not --

6 MR. SCHAUBLE: I also object to, I also object to --
7 I have an independent objection to the second sentence on
8 paragraph 6 on the basis of relevance. There's no -- absent
9 in the issue as to whether a station has violated the
10 Commission's standards on indecency or obscenity, there's no
11 issue in this proceeding as to whether the programming
12 "decent."

13 MR. EMMONS: That's certainly true, Your Honor, but
14 under renewal expectancy the issue is not whether the program-
15 ming violated or didn't violate Commission rules or policies.
16 The issue is whether the programming was perceived by the
17 community to be meritorious.

18 JUDGE CHACHKIN: That's not what it says in
19 meritorious. It says decent, and it defines what it means by
20 decent. Are you telling me the Commission is not going to
21 give -- base a renewal expectancy on whether the program is
22 decent as defined here, has no sex or violence?

23 MR. EMMONS: No --

24 JUDGE CHACHKIN: That, that the Commission isn't
25 going to get into that --

1 MR. EMMONS: No, no, the Commission is not going to
2 make the determination of whether the programming is decent or
3 not, or whether the programming has merit or not. It's going
4 to make the determination based upon what the public thinks
5 about the programming --

6 JUDGE CHACHKIN: And --

7 MR. EMMONS: -- and if the public thinks the pro-
8 gramming has merit.

9 JUDGE CHACHKIN: If a member of the public thinks
10 that a programming -- that the definition or the determination
11 of whether a station is -- deserves a renewal expectancy isn't
12 whether it provides decent programming? The Commission is
13 supposed to put some stock in that?

14 MR. EMMONS: Yes.

15 JUDGE CHACHKIN: Well --

16 MR. EMMONS: That's our position, Your Honor.

17 JUDGE CHACHKIN: That certainly puts the Commission
18 in an interesting position.

19 MR. EMMONS: No, it --

20 JUDGE CHACHKIN: I don't think the Commission is
21 ready to go that far, and neither am I, frankly.

22 MR. EMMONS: It doesn't require the Commission to
23 make its own judgement of whether or not the programming had
24 merit. It, it, it --

25 JUDGE CHACHKIN: It's not talking about merit here.

1 MR. EMMONS: Well --

2 JUDGE CHACHKIN: We're talking about saying a sta-
3 tion should be, should be considered good or bad as -- on the
4 basis of whether it carries decent programming, and decent
5 programming is if it doesn't have sex or violence, whatever
6 sex or violence means.

7 MR. EMMONS: Well, I think that's a component of, of
8 whether the programming in, in, in, in the, in the public's
9 view has merit or not. I think merit is simply a broader term
10 to, to describe that.

11 JUDGE CHACHKIN: But isn't it putting the Commission
12 in a position of being a censor here to say if you carry --
13 if, if, if an individual in the community believes that a
14 program is decent, they should get a renewal expectancy, and
15 if an individual believes a program is not decent even though
16 it doesn't violate any rules or regulations, it shouldn't get
17 a renewal expectancy, is that --

18 MR. EMMONS: I, I, I don't think that that's any
19 different from the Commission making a determination about
20 whether the community believes that the station addressed
21 community needs in its programming.

22 JUDGE CHACHKIN: We're not talking -- oh, yes,
23 there's a big difference. You can address community needs and
24 still not be a decent -- provide "decent program." In the
25 first place, "decent program," we're talking about, I assume,

1 | entertainment programming? We're not talking about -- I don't
2 | think sex or violence gets into community affairs programs, as
3 | far as I know, so here we're dealing with entertainment pro-
4 | gramming and we're saying that the determination should be
5 | made on the basis of decent entertainment programming. I'm
6 | not prepared to make that judgement, and I don't think the
7 | Commission is either, frankly. Paragraph 6 is not received.

8 | MR HONIG: Your, Your Honor?

9 | JUDGE CHACHKIN: Yes?

10 | MR HONIG: If I could also note, although it's not
11 | been received, the first clause of paragraph 6 is factually
12 | erroneous. If, if any effort is going to be made to take
13 | official notice, WDZL-TV, Channel 39, is also physically
14 | located in Broward County. It's not the only TV station in
15 | the area.

16 | JUDGE CHACHKIN: All right, next exhibit. So I have
17 | received TBF Exhibit 17 except as noted.

18 | (Whereupon, the exhibit marked for
19 | identification as TBF Exhibit 17 was
20 | received into evidence.)

21 | MR. EMMONS: Next, Your Honor, is TBF Exhibit 18,
22 | declaration of Miguel A. Ramirez.

23 | JUDGE CHACHKIN: Any objections?

24 | MR. SCHAUBLE: Yes, Your Honor, pages 3 and 4,
25 | paragraphs 5 and 6 concerning the prayer line. I object for

1 the reasons previously stated.

2 JUDGE CHACHKIN: Dealing with community outreach?

3 MR. SCHAUBLE: Yes, Your Honor.

4 JUDGE CHACHKIN: All right, overruled.

5 MR. SCHAUBLE: Next, Your Honor, paragraph 8 on
6 page -- the bottom of page 5. I object on the basis of compe-
7 tence. I, I don't see any basis here for the witness to --
8 as, as to how frequently or, or whether the -- how regularly
9 the, the witness views the program.

10 MR. EMMONS: I'm sorry, I don't -- could
11 Mr. Schauble clarify which sentences he's referring to?

12 JUDGE CHACHKIN: Paragraph 8. Paragraph 8 is
13 rejected, competency grounds.

14 MR. SCHAUBLE: Next, Your Honor, paragraph 9 on the
15 top of page 6, I object to on the basis, again, here that some
16 sort of statement that programming is somehow meritorious
17 because there is no violence, sex, or sexual references, or
18 "glamorization" of drug and alcohol use, again, for the
19 reasons previously stated with the other exhibit. They
20 don't -- this is not relevant.

21 JUDGE CHACHKIN: I'm not prepared to get into these
22 subjective determination of what's good or bad programming. I
23 won't receive paragraph 9. Any other objections?

24 MR HONIG: Your Honor, I object to the last two
25 sentences in paragraph 7, both based on, I think, both on

1 relevancy and competence.

2 JUDGE CHACHKIN: Paragraph 7. Sustained. What is
3 his position?

4 MR. EMMONS: The, the witness, Your Honor, is direc-
5 tor of a alcohol and drug addict rehabilitation center as
6 reflected in the third sentence of paragraph -- second sen-
7 tence paragraph 1.

8 JUDGE CHACHKIN: I understand that, but there's no
9 indication here what efforts he's made to enlist the support
10 of other stations or his knowledge of what other stations do
11 or do not do. TBF Exhibit 18 is received except as noted.

12 (Whereupon, the exhibit marked for
13 identification as TBF Exhibit 18 was
14 received into evidence.)

15 MR. EMMONS: Next, Your Honor, we offer TBF
16 Exhibit 19, the declaration of Gilbert S. Rodriguez.

17 JUDGE CHACHKIN: Any objection?

18 MR. SCHAUBLE: Yes, Your Honor, page 2, I object to
19 the entirety of paragraph 5 on the basis that no basis has
20 been shown if the witness is competent to, to do a comparative
21 evaluation between Channel 45 and other stations. He's never
22 been on any other television station; there's no reference to
23 what programs he's seen on other stations concerning drug
24 abuse, when those programs were aired; and there's no apparent
25 basis for his believe that "most television stations will not

1 mention Christian or other religious ministries serving drug
2 addicts." There's no chronicle of any attempts at his agency
3 or any other such agencies have made in enlisting other sta-
4 tions.

5 MR. EMMONS: Your Honor, the first sentence in
6 paragraph 5 certainly ought to stand on the point that the
7 witness has not been invited to be on any other television
8 station in the area, and the last two sentences are -- or
9 strike that. Excuse me, the last sentence of paragraph 5,
10 which says, "Channel 45 provides information concerning all
11 the resources available in the community from which to seek
12 help" is directly substantiated by the witness's testimony in
13 paragraph 4 which relates to his own appearance on a program
14 in which the, among other things, the program -- during the
15 program, the name and telephone number of his agency or, or
16 rehabilitation center was displayed prominently and informa-
17 tion was given to viewers as to where they could get help.

18 MR. SCHAUBLE: Your Honor, as I read the last
19 sentence in paragraph 5, that's not limited to the one spe-
20 cific example given in paragraph 4. It's talking about all
21 the resources available in the community and there's no basis
22 provided for that, and to the extent that if he is just refer-
23 ring to the one, this one example, with which he was person-
24 ally involved, that sentence adds nothing to the record.

25 JUDGE CHACHKIN: The portion of the first sentence

1 | which deals with the fact that he's not been invited to other
2 | television stations will be received. The remainder of the
3 | paragraph, with the exception of the last sentence, is
4 | rejected. The last sentence is only received to the extent
5 | that it's limited to his involvement with one particular
6 | program and his limited knowledge on the basis of that one
7 | program. Any other objection?

8 | MR. SCHAUBLE: Yes, Your Honor, next is paragraph 6.

9 | JUDGE CHACHKIN: Is that based on the prayer line?

10 | MR. SCHAUBLE: Prayer line and also the, the exam-
11 | ples that are given here have an insufficient basis shown that
12 | he has -- whether he has personal knowledge of these or
13 | whether he heard these through hearsay.

14 | JUDGE CHACHKIN: Oh, this is not an instance where
15 | the individual has participated in "Prayer Line." I'll over-
16 | rule the objection. Any other objections?

17 | MR. SCHAUBLE: Yes, Your Honor, I object to the next
18 | paragraph, paragraph 7, on the basis of relevance. The, the
19 | program in question is not described here. Again, this
20 | doesn't give the source of subjective experiences which don't
21 | form the basis --

22 | JUDGE CHACHKIN: Paragraph 7 is rejected.

23 | MR. SCHAUBLE: Your Honor, I object to paragraph 8,
24 | pages 3 and 4. Most of this paragraph appears to be a, a
25 | description of the experience the witness went through. It's

1 | personally moving but I don't see anything in here that -- the
2 | witness was -- the witness's life was personally changed by
3 | programming on Channel 45.

4 | JUDGE CHACHKIN: Paragraph 8 is rejected. Any other
5 | objections?

6 | MR. SCHAUBLE: Yes, Your Honor, paragraph -- I
7 | object to paragraph 9 on the basis of competency. There is,
8 | at least up until the sentence, "If you watch Channel 45, you
9 | see a real spectrum of racial and ethnic minorities on the
10 | programming, both as hosts and guests on programs." I
11 | don't -- I do not object to the sentence, "I was invited to
12 | appear on the station and there were other minorities that
13 | appeared with me." And I object to the last sentence to the
14 | extent the witness didn't have personal -- did not have per-
15 | sonal involvement in the programming. There is insufficient
16 | information to give a basis for the witness to reach the
17 | opinion and conclusions that he did. And I also separately
18 | object to, on relevance grounds, to the fact that "Paul Crouch
19 | is going to Africa, Latin America, and the Caribbean to extend
20 | his ministry."

21 | MR. EMMONS: I think that sentence relates to the
22 | witness's perception of the station's outreach to minorities,
23 | members of the minority community. It's in that context in,
24 | in that very sentence.

25 | MR. SCHAUBLE: Your Honor, I don't think it's, it's

1 | apparent that those, those trips relate to any programming on
2 | Channel 45.

3 | JUDGE CHACHKIN: I'm going to receive the portion of
4 | paragraph 9 which relates to his appearance on the station. I
5 | will receive the -- the last two sentences will be received.
6 | The remainder of the paragraph will not be received. Any
7 | other objections?

8 | MR. SCHAUBLE: Yes, Your Honor, I object to para-
9 | graph 10 on the basis of relevance.

10 | JUDGE CHACHKIN: Paragraph 10 is rejected.

11 | MR. SCHAUBLE: And next, I also object to para-
12 | graph 11, paragraph 11 on the basis of relevance and compe-
13 | tency to the extent of any basis shown here, the basis is
14 | hearsay and incompetent evidence.

15 | JUDGE CHACHKIN: Channel [sic] 11 is rejected; no
16 | specific facts underlying the statements made there. TBF
17 | Exhibit 19 is received.

18 | (Whereupon, the exhibit marked for
19 | identification as TBF Exhibit 19 was
20 | received into evidence.)

21 | JUDGE CHACHKIN: Twenty? Any objection to TBF
22 | Exhibit 20?

23 | MR. SCHAUBLE: Yes, Your Honor, the last paragraph,
24 | paragraph 5, the opinion as to reputation here with no, with
25 | no, no basis or facts provided.

1 JUDGE CHACHKIN: Paragraph 5 is rejected. Any other
2 objections?

3 MR. SCHAUBLE: No other objections, Your Honor.

4 JUDGE CHACHKIN: TBF Exhibit 20 is received except
5 as noted.

6 (Whereupon, the exhibit marked for
7 identification as TBF Exhibit 20 was
8 received into evidence.)

9 JUDGE CHACHKIN: Twenty-one, any objections?

10 MR. SCHAUBLE: Yes, Your Honor, page 3, paragraph 6,
11 the first sentence where the witness has expressed his opinion
12 about non-broadcast community outreach or non-broadcast activ-
13 ities. Assuming arguendo that there was -- that those matters
14 are relevant, that, that there is an insufficient basis shown.
15 There's no personal basis or personal involvement of the
16 witness shown to form a competent basis for the period he --
17 for the --

18 JUDGE CHACHKIN: What are we talking about now?

19 MR. SCHAUBLE: Paragraph 6.

20 JUDGE CHACHKIN: Yeah, but what portions of it?

21 MR. SCHAUBLE: The first sentence, "I wish to also
22 express my opinion that WHFT not only served the public wel-
23 fare during the 1987 through February, 1992, period through
24 its programming efforts, but also through its community out-
25 reach or non-broadcast activities."

1 MR. EMMONS: Your Honor, later in the sentence the
2 witness expressly goes on to say that the outreach program
3 called "His Hand Extended" has provided donations of food to
4 Hogar Renacer, which is this witness's nonprofit organization
5 for counseling and rehabilitation --

6 JUDGE CHACHKIN: All right, paragraph 6 will be
7 received. The, the understanding will be that the reference
8 to the programming is limited to his specific involvement as
9 described earlier in the -- in his declaration. Any other
10 objections?

11 MR. SCHAUBLE: Sorry, Your Honor, it -- I also have
12 an objection to paragraph 5 concerning his limited -- when he
13 was solicited for his, for his input regarding community
14 issues on the basis of relevance.

15 JUDGE CHACHKIN: Paragraph 5 is rejected.

16 MR. SCHAUBLE: Going on, also in paragraph 6, I
17 object to the last -- on page 4 on the last sentence, I object
18 to, "Also, some of the people who participated in Hogar
19 Renacer's programs have reported to me that in times need,
20 WHFT's "His Hand Extended" have provided them with food and
21 clothing when they had no other place to turn" on the basis of
22 this is based on hearsay.

23 JUDGE CHACHKIN: Lots of this material is based on
24 hearsay but it's reasonable hearsay. I'll, I'll reject --
25 I'll overrule your objection.

1 MR. SCHAUBLE: Next I object to paragraph 7 on the
2 basis of relevance.

3 JUDGE CHACHKIN: Paragraph 7 will not be received.

4 MR. SCHAUBLE: I object to paragraph 8 and the
5 prayer line for the reasons previously stated.

6 JUDGE CHACHKIN: Overruled.

7 MR. SCHAUBLE: And also paragraph 9 on the same
8 basis.

9 JUDGE CHACHKIN: Overruled.

10 MR. SCHAUBLE: Paragraph 10, I object to. The
11 witness makes a statement that "the station provides important
12 positive images" without a sufficient basis for -- no basis is
13 offered to show the witness is competent to render that opin-
14 ion.

15 JUDGE CHACHKIN: Paragraph 10 is rejected.

16 MR. SCHAUBLE: No further objections, Your Honor.

17 JUDGE CHACHKIN: TBF Exhibit 21 --

18 MR. EMMONS: That's 21, Your Honor.

19 JUDGE CHACHKIN: -- is received, except as noted.

20 (Whereupon, the exhibit marked for
21 identification as TBF Exhibit 21 was
22 received into evidence.)

23 JUDGE CHACHKIN: Twenty-two, any objections?

24 MR. SCHAUBLE: Yes, Your Honor, on paragraph 6, I
25 object from the beginning of the paragraph on page 2 to the

1 sentence, "The station had to go to a great deal of trouble to
2 meet the city's requirements, and the fact that they did so
3 shows a real commitment to service." Assuming arguendo that
4 "His Hand Extended" is a relatively community involvement,
5 this doesn't talk about how a service was provided to the
6 community but, but a problem that came up with respect to that
7 happened. I think this sort of detail doesn't really go to
8 how this station provided community outreach.

9 MR. EMMONS: I'm sorry, could Mr. Schauble identify
10 the sentences he's talking about right -- I missed that.

11 MR. SCHAUBLE: Sure, paragraph 6 from the beginning
12 of the paragraph --

13 MR. EMMONS: Okay.

14 MR. SCHAUBLE: -- to the sentence, "The station had
15 to go to a great deal of trouble to meet the city's require-
16 ments, and the fact that they did so shows a real commitment
17 to service," and I'm not objecting to the last two sentences
18 of that paragraph.

19 JUDGE CHACHKIN: Overruled.

20 MR. SCHAUBLE: No further objections.

21 JUDGE CHACHKIN: TBF Exhibit 22 is received.

22 MR HONIG: Your Honor, I'd like to just, if I could,
23 if you can avoid a ruling as --

24 JUDGE CHACHKIN: All right.

25 MR HONIG: -- we have an objection to the entire

1 exhibit on the basis that even distinct from the prayer line,
2 this is an entirely non-broadcast charitable activity that
3 doesn't fall within the Commission's regulatory purpose.
4 Where does it refer to anything the station has anything to do
5 with it?

6 MR HONIG: I'm sorry, I couldn't hear you,
7 Your Honor.

8 JUDGE CHACHKIN: Where does it refer to anything
9 that the station has anything to do with? Oh, you, you say --
10 doesn't this refer to the community outreach?

11 MR HONIG: It does; it, it speaks of soliciting for
12 food distribution and distributing food.

13 JUDGE CHACHKIN: Done by the station. What is "His
14 Hand Extended"? Is that an outreach, community outreach
15 program?

16 MR. EMMONS: Yes, that's one of the station's commu-
17 nity outreach programs.

18 JUDGE CHACHKIN: I'll allow it in. TBF Exhibit 22
19 is received.

20 (Whereupon, the exhibit marked for
21 identification as TBF Exhibit 22 was
22 received into evidence.)

23 MR. EMMONS: Next, Your Honor, TBF offers TBF
24 Exhibit 23, the declaration of Jack Thompson.

25 JUDGE CHACHKIN: Any objections?

1 MR. SCHAUBLE: Yes, Your Honor, page 3, paragraph 6.
2 I object to the first two sentences on the basis of relevance
3 and competency. The remainder of the -- much of the rest of
4 the paragraph deals with the witness's specific involvement on
5 the programs he was, he was a guest on but separate and apart
6 from that I believe these general statements, no basis has
7 been shown for these, and the first two sentences are there-
8 fore not relevant.

9 JUDGE CHACHKIN: The first two sentences are
10 rejected on competency grounds.

11 MR. EMMONS: Well, Your Honor, if I could just speak
12 to at least the first sentence of, of paragraph 6, which is
13 the, "One of the most intractable, intractable problems facing
14 the Miami community is the sense of division between the
15 area's various racial and ethnic groups." I think this wit-
16 ness is, is competent to make that observation. I do note
17 that in paragraph 3, the first sentence, the witness states
18 that he was, in 1988, the Republican candidate for the Dade
19 County State's Attorney position, opposing Janet Reno in that
20 election. It seems to me a county-wide candidate for, for
21 that position is certainly in a position to speak to a major
22 community, which, which is what he's doing in paragraph 6. I
23 mean, his, his opinion on that is at least as valid as any
24 other community leader that might be interviewed for an ascer-
25 tainment process.

1 JUDGE CHACHKIN: Well, what is the, the value of the
2 first sentence without the second sentence?

3 MR. EMMONS: Well, I, I think the second sentence
4 is, is entirely relevant, Your Honor, but I understand your
5 rule.

6 JUDGE CHACHKIN: Well, he hasn't shown how he has
7 knowledge of what the -- of Channel 45 programming making --
8 to render an opinion as to whether it is integrated or not.
9 His only knowledge, apparently, derives from his one appear-
10 ance.

11 MR. EMMONS: Well, I think you may be -- he made
12 three appearances, Your Honor, as referred to in the very top
13 of page 2, one in April of '90, one in July of '90, and one in
14 June of '91.

15 JUDGE CHACHKIN: Well, then, he has knowledge of
16 those three program. There's no evidence here of knowledge of
17 any other time -- of any other program.

18 MR. EMMONS: Well, I think the second sentence of
19 paragraph 6 is relevant at least, then, for those three pro-
20 grams, to his experience based on those three programs.

21 JUDGE CHACHKIN: Well, I, I don't have any problem
22 with his experience based on those three programs but to the
23 extent which it goes beyond those three programs, I don't --
24 he hasn't provided any evidence showing a basis for his opin-
25 ion.

1 MR. EMMONS: Well, would those sentences then be
2 admitted for the purpose of, of those three programs, then,
3 Your Honor, considering for those three appearances by that
4 witness?

5 MR. SCHAUBLE: Your, Your Honor, while it can be
6 relevant to his experience on these three programs, I don't
7 think the first two, two sentences add anything. I think
8 the -- what's relevant is, is his specific experiences. In
9 other words, there would be -- there's no reason to keep in
10 the first two sentences if it's the other portions of the
11 paragraph that deal with --

12 JUDGE CHACHKIN: I, I --

13 MR. SCHAUBLE: -- his experiences.

14 JUDGE CHACHKIN: I don't see any purpose for a
15 general statement. We have his specific experiences, and
16 that's in the record, and we can draw a conclusion from
17 that -- from those specific cases, so I'll reject -- the first
18 two sentences will be rejected as irrelevant.

19 MR. SCHAUBLE: And, Your Honor, just as a housekeep-
20 ing matter, I would also object to the -- on the third sen-
21 tence, just the phrase "for example," and starting, starting
22 the next sentence with "on one of the programs during the
23 license term in which I appeared."

24 JUDGE CHACHKIN: "For example" will be stricken.
25 Any other objections?